

ABELMAN, FRAYNE & SCHWAB

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Attorneys for Defendant

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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STAR MARK MANAGEMENT, INC., a	:	
New York corporation; GREAT MARK	:	
CORPORATION, a New York corporation;	:	
and JIMMY ZHAN a/k/a YI Q. ZHAN,	:	07 Civ. 3208 (JFB)(SMG)
individually and on behalf of Star Mark	:	
Management, Inc. and Great Mark	:	
Corporation,	:	
	:	
Plaintiffs,	:	DECLARATION OF ANTHONY A.
	:	COPPOLA IN SUPPORT OF
-against-	:	DEFENDANT'S MOTION FOR
	:	SANCTIONS AGAINST PLAINTIFFS
	:	PURSUANT TO FED. R. CIV. P. 11(c)
	:	
KOON CHUN HING KEE SOY & SAUCE	:	
FACTORY, LTD., a company organized	:	
under the laws of Hong Kong,	:	
	:	
Defendant.	:	
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I, Anthony A. Coppola, declare and say:

1. I am a member of the law firm of Abelman, Frayne & Schwab counsel for defendant, Koon Chun Hing Kee Soy & Sauce Factory, Ltd. ("Koon Chun"), in this matter.
2. I submit this declaration in support of defendant's Motion For Sanctions Against Plaintiffs Pursuant to Fed. R. Civ. P.11(c).

3. The purpose of this declaration is to provide the Court with certain facts and documents relevant to this matter.

4. Annexed as Exhibit 1 hereto is a true and correct copy of U.S. Trademark Reg. No. 1,410,790 registered to Koon Chun (hereinafter referred to as “the Koon Chun Trademark”) downloaded from the United States Patent and Trademark Office (hereinafter referred to as “USPTO”) website www.uspto.gov.

5. Annexed as Exhibit 2 is a true and correct copy of the civil minute entry dated June 21, 2007 regarding the hearing before the Hon. Steven M. Gold in the matter of *Koon Chun v. Star Mark* 04 Civ 2293 (JFB)(SMG) on June 20, 2007.

6. Annexed as Exhibit 3 hereto is a true and correct copy of a letter from Bing Ling Esq. to the Hon. Steven M. Gold dated May 31, 2007 filed in the lawsuit 04-cv-2293 with this Court.

7. Annexed as Exhibit 4 is a true and correct copy of the published decision of the summary judgment in the matter of *Koon Chun v Star Mark* 04-civ-2293 (JFB)(SMG), 2007 WL 74304 (E.D.N.Y. 2007).

8. Annexed as Exhibit 5 is a true and correct copy of the transcript of the hearing before the Hon. Steven M. Gold in the matter of *Koon Chun v. Star Mark* 04 Civ 2293 (JFB)(SMG) on June 20, 2007.

9. Annexed as Exhibit 6 hereto is a true and correct copy of a letter from Bing LI, Esq. to the Hon. Steven M. Gold dated June 22, 2007 filed in the lawsuit 04-cv-2293.

10. Annexed as Exhibit 7 hereto is true and correct copy of the Plaintiffs’ Complaint filed in this matter.

11. Annexed as Exhibit 8 are true and correct copies of photographs of a five pound can of Koon Chun's Hoisin sauce, showing the four sides of the can.

12. Annexed as Exhibit 9 is a true and correct copy of Koon Chun's declaration of continuous use for the Koon Chun Trademark which was filed with the USPTO on September 22, 1992, downloaded from the USPTO website www.uspto.gov.

13. Annexed as Exhibit 10 is a true and correct copy of the renewal application for the Koon Chun Trademark together with an affidavit and samples of use, which was filed by Koon Chun with the USPTO on September 1, 2006, downloaded from the USPTO website www.uspto.gov.

14. Annexed as Exhibit 11 is a true and correct copy of U.S. Trademark Reg. No. 78426695 for the trademark "Beck's", downloaded from the USPTO website www.uspto.gov.

15. Annexed as Exhibit 12 is a true and correct copy of U.S. Trademark Reg. No. 78426695 for the trademark "Dunhill", downloaded from the USPTO website www.uspto.gov.

16. Annexed as Exhibit 13 is a true and correct copy of certain pages of the trial testimony of Jimmy Zhan in the matter of *Koon Chun v. Star Mark* 04 Civ 2293 (JFB)(SMG).

17. Annexed as Exhibit 14 is a true and correct copy of the term, "hoisin sauce" as defined in *The Encyclopedia Britannica (15th Edition 2005)*.

18. Annexed as Exhibit 15 is a true and correct copy of Court Exhibit 1 from the trial in the matter of *Koon Chun v. Star Mark* 04 Civ 2293 (JFB)(SMG).

19. Annexed as Exhibit 16 is a true and correct copy of a letter from Bing Li, Esq. to the Hon. Steven M. Gold dated June 21, 2008 filed in the lawsuit 04-cv-2293.

20. Annexed as Exhibit 17 is a true and correct copy of a letter from Anthony A. Coppola to the Hon. Steven M. Gold dated June 21, 2007 filed in the lawsuit 04-cv-2293.

21. Annexed as Exhibit 18 is a true and correct copy of a letter dated June 4, 2007 from Anthony A. Coppola, Esq. to the Hon. Steven M. Gold filed in the lawsuit 04-cv-2293.

22. On or about January 9, 2008 I complied with the safe harbor provisions of Fed. R. Civ. P. 11(c)(1)(a) by serving a Notice of Defendant's Motion for Sanctions Against Plaintiffs Pursuant to Fed. R. Civ. P. 11(c) on Bing Li, counsel for plaintiffs in this action. A copy of this Notice was attached to a letter from me to Mr. Li of the same date which outlined the reasons for defendant's anticipated motion.

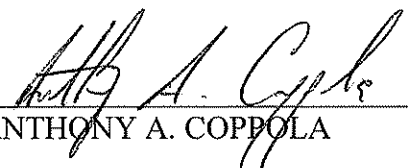
23. Annexed as Exhibit 19 is a true and correct copy of a letter from Anthony A. Coppola to Bing Li dated January 9, 2008 which also contains the aforementioned Notice of Motion.

24. To date, plaintiffs have not withdrawn the Complaint they filed in this action.

25. To my personal knowledge, any person with Internet access can freely download any documents that were mentioned in the previous paragraphs being "downloaded from the USPTO website www.uspto.gov". There is no need for registration or payment of fees.

26. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: October 22, 2008
New York, New York


ANTHONY A. COPPOLA